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February 2, 2012

VIA ECF AND HAND DELIVERY

The Honorable Nina Gershon
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Linde, et al. v. Arab Bank, PLC, Case No. CV 04-2799 (NG)(VVP) and related cases*

Dear Judge Gershon:

We write on behalf of Defendant Arab Bank plc (the “Bank”) in response to Plaintiffs’ letter motion to the Court, dated February 1, 2012 (ECF No. 789), urging reconsideration of the Court’s Order dated January 27 and filed January 31, 2012 (ECF No.787 (the “Order”)).

Plaintiffs’ letter motion merely reiterates their arguments which preceded the Order. Plaintiffs fail to demonstrate that the Court made either a “clerical mistake” or a “mistake arising from oversight or omission,” the showing required by Fed. R. Civ. P. 60(a).¹

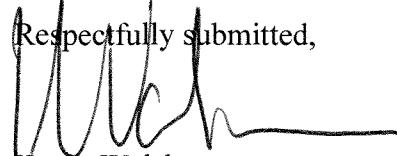
All of the issues referenced by Plaintiffs may be addressed by the post-discovery motion *in limine* process envisaged by the Order. If Plaintiffs conclude that they need rebuttal witnesses, they should identify them. In any event, Plaintiffs have already advised the Bank that they wish to narrow matters at issue by stipulation and other means, and the Bank believes that the process urged by the Court will allow the parties to work collaboratively to do so.

¹ Fed. R. Civ. P 60 (b) applies only to a “final judgment, order, or proceeding,” and is thus inapplicable here. Plaintiffs’ motion was also brought “pursuant to Fed. R. Civ. P. 59 and Loc. R. Civ. P. 6.3.” Fed. R. Civ. P. 59 applies to motions for a new trial or alteration or amendment of a final judgment; it plainly has no application here. Local Rule 6.3 sets forth the procedural requirements for motions for reconsideration or reargument, requiring the filing of a notice of motion and an accompanying memorandum setting forth “the matters or controlling decisions which counsel believes the Court has overlooked.” Again, Plaintiffs have made no such showing.

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We respectfully urge that Plaintiffs' letter motion be denied.

Respectfully submitted,

Kevin Walsh

cc: All Counsel on Attached Service List (By Electronic Mail)
Magistrate Judge Viktor V. Pohorelsky (By Hand Delivery)

SERVICE LIST

BY ELECTRONIC DELIVERY:

IN *LITLE, ET AL. V. ARAB BANK, PLC, CV 04-5449 & BENNETT, ET AL. V. ARAB BANK, PLC, CV 05-3183 & ROTH, ET AL. V. ARAB BANK, PLC, CV 05-3738 & WEISS, ET. AL. V. ARAB BANK, PLC, CV 06-1623 & JESNER, ET. AL. V. ARAB BANK, PLC, CV 06-3869*

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IN *ALMOG, ET AL. v. ARAB BANK, PLC, CV 04-5564 & AFRIAT-KURTZER, ET AL. V. ARAB BANK, PLC, CV 05-388 & LEV, ET AL. V. ARAB BANK, PLC, CV 08-3251*

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IN *AGURENKO, ET AL. v. ARAB BANK, PLC*, CV 10-626

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